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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|---------------|----------------------|-------------------------|-------------------------|--|
| 08/865,962 | 05/30/1997 | JAKOB NIELSEN | 2860-058 | 9129 | |
| 20277 75 | 90 10/30/2002 | | | | |
| MCDERMOTT WILL & EMERY | | | EXAMINER | | |
| 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096 | | | EDELMAN, E | BRADLEY E | |
| | | | ART UNIT | PAPER NUMBER | |
| | | | 2153 | | |
| | | | DATE MAILED: 10/30/2002 | DATE MAILED: 10/30/2002 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|---|--|---|--|--|--|--|
| • • • | Application No. | Applicant(s) | | | | |
| | 08/865,962 | NIELSEN, JAKOB | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Bradley Edelman | 2153 | | | | |
| The MAILING DATE of this communication app Period for Reply | pears on the cover sheet with th | e correspondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailling date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v. - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status | 36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS fr . cause the application to become ABANDO | e timely filed days will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133). | | | | |
| 1) Responsive to communication(s) filed on 15 / | August 2002 . | | | | | |
| · | is action is non-final. | | | | | |
| 3) Since this application is in condition for allowa | | prosecution as to the merits is | | | | |
| closed in accordance with the practice under Disposition of Claims | Ex parte Quayle, 1935 C.D. 11 | , 453 O.G. 213. | | | | |
| 4) Claim(s) 40-65 is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6) Claim(s) is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8) Claim(s) 40-65 are subject to restriction and/or | r election requirement. | | | | | |
| Application Papers | | | | | | |
| 9)☐ The specification is objected to by the Examine | | | | | | |
| 10) The drawing(s) filed on is/are: a) accept | | | | | | |
| Applicant may not request that any objection to the | | | | | | |
| 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. | | | | | | |
| If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. | | | | | | |
| ,— | diffici. | · | | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | a priority updar 35 LLS C & 110 | P(a)_(d) or (f) | | | | |
| 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | | | | |
| a) All b) Some * c) None of: | | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | | |
| 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | | |
| application from the International Bu * See the attached detailed Office action for a list | reau (PCT Rule 17.2(a)). | | | | | |
| 14)☐ Acknowledgment is made of a claim for domesti | ic priority under 35 U.S.C. § 11 | 9(e) (to a provisional application). | | | | |
| a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domest | | | | | | |
| Attachment(s) | · · · · · · · · · · · · · · · · · · · | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) | 5) Notice of Inform | nary (PTO-413) Paper No(s) nal Patent Application (PTO-152) | | | | |
| LC Potent and Trademark Office | | | | | | |

Application/Control Number: 08/865,962

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 40-47, 53-58, and 64, drawn to a server system for allocating bandwidth among users connecting to a server, classified in class 709, subclass 226.
- II. Claims 48-52, 59-63, and 65, drawn to a client system for allocating bandwidth among processes in a client, classified in class 709, subclass 233.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are used for different purposes and in different environments. Invention I discloses a particular system for allocating bandwidth among users accessing a server. This server system includes a specific bandwidth allocation technique and process. Invention II discloses a client system for allocating bandwidth among processes running in a client machine. The client system includes a separate and distinct bandwidth allocation process from the one used in the server system.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all After Final papers: (703) 746-7238.

For all other correspondences: (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE

October 28, 2002

GLENTON B. BURGESS

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100